

REMARKS/ARGUMENTS

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested.

Claims 11-28 are presently active; Claims 1-10 having been previously canceled without prejudice.

In the outstanding Office Action, the abstract was objected to. Claims 11-13 and 16-19 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Tanabe et al (Jap. Doc. No. 10188332 A) in view of Wada et al (U.S. Pat. Publ. No. 2004/0264347). Claims 20-22 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Tanabe et al and Wada et al and further in view of Tokunaga et al (U.S. Pat. No. 5,905,558). Claims 23 and 24 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Tanabe et al and Wada et al and further in view of Slobodin (U.S. Pat. No. 5,084,777) or Jacobson et al (U.S. Pat. No. 4,127,322). Claims 25 and 26 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Tanabe et al and Wada et al and Tokunaga et al and further in view of Hayashi (Jap. Doc. No. H08-074033 A). Claims 27 and 28 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Tanabe et al and Wada et al and in further view of Slobodin or Jacobson et al or Hayashi. Claims 14-15 were objected to for being dependent from a rejected base claim but would be allowable if rewritten in independent form to include the limitations of the base claim and any intervening claims. Claims 20-25 were indicated as being allowed.

Firstly, Applicants acknowledge with appreciation the indication of allowable subject matter in Claims 14-15.

Next, regarding the objection to the abstract, the abstract has been amended as to be a single paragraph. Thus, it is respectfully submitted that the objection to the abstract has been overcome.

Next, regarding the 35 U.S.C. § 103(a) rejections, Tanabe et al disclose an optical head device having a light source, an objective lens and a phase correction element disposed between the light source and the objective lens. The phase correction element in Tanabe et al includes transparent substrates 11 and 12 and a liquid crystal medium in the region 17 sandwiched between the transparent substrates. The substrates are provided with electrodes 14 and 15 on each substrate to apply voltage to the liquid crystal. However, each of the electrodes provides an undivided electrode which continuously covers an entire surface of the substrate in contact with the liquid crystal. Namely, the electrode in Tanabe et al is **not** divided into plural divided-electrodes and thus there is no discontinuity in the electrode. Hence, Applicants submit that neither one of electrodes in Tanabe et al is **not** provided on one of the substrates at different positions, as defined in independent Claims 11 and 12. Hence, at least this feature is not disclosed in Tanabe et al.

Regarding Wada et al, Wada et al's earliest U.S. filing date of July 23, 2001 does not antedate Applicants' domestic priority date of August 30, 2000. Indeed, the Notice of Acceptance dated February 24, 2004 indicates thereon that the filing date of the present application is the international filing date (i.e., August 30, 2000). Thus, Wada et al should be removed as prior art.

With Wada et al removed as prior art and with Tanabe et al not disclosing a plurality of power supply electrodes provided at different positions on the substrate, as defined in the independent Claims 11 and 12, it is respectfully requested that the 35 U.S.C. § 103(a) rejection be removed.

Hence, with no remaining rejections to the independent claims, the claims of the present application are believed to be in a condition for allowance.

Finally, Applicants respectfully request that the documents cited in the International Search Report and received at the Patent and Trademark Office, as indicated on the Notice of

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Acceptance be considered as requested in the Request for Consideration of Documents Cited in the International Search Report filed May 2, 2001. These references were subsequently filed with the Information Disclosure Statement (IDS) of October 30, 2001, whose PTO-1449 form has not yet been initialed and returned. A copy of the date-stamped filing receipt and the IDS of October 30, 2001 along with the submitted PTO-1449 form are attached hereto.

An early and favorable action on these matters is respectfully requested.

Respectfully submitted,

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Attachments: Date-stamped Filing Receipt (copy)
Information Disclosure Statement of October 30, 2001
(w/ PTO 1449, International Search Report, and references) (copy)

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